

2015

# Zoning Board of Adjustment Annual Report

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City of Council Bluffs, Iowa

Prepared by: Community Development Department  
Address: 403 Willow Avenue, Council Bluffs, IA 51503  
Date: February, 2015





**MAYOR**

Matthew J. Walsh

**2015 CITY COUNCIL**

Lynne Branigan  
Melissa Head  
Al Ringgenberg  
Nate Watson  
Sharon White

**2015 ZONING BOARD OF ADJUSTMENT**

Bobbette Behrens, Chair  
Matthew Garst\*  
Brandon Juon  
Memory Mescher  
Jared Olson, Vice Chair  
Pedro Vargas\*

**COMMUNITY DEVELOPMENT DEPARTMENT**

**Planning Division**

Rose Brown, Planning Coordinator  
Cindy Clark, Administrative Secretary  
Christopher Gibbons, Planner  
Donald Gross, Director  
Patrick McFadden, Zoning Enforcement Officer  
Rebecca Sall, Assistant Planner

\*Indicates a partial term

**2015 ZONING BOARD OF ADJUSTMENT  
MEMBERS, TERMS AND ATTENDANCE**

Member Name	Board Term	Meeting Attendance		
		Present	Absent	Attendance %
Bobbette Behrens	May 21, 2012- April 1, 2017	8	1	88%
Matt Garst*	March 29, 2010 – April 1, 2015	2	3	40%
Brandon Juon	June 23, 2014 – April 1, 2019	4	5	44%
Memory Mescher	November 28, 2011 – April 1, 2016	8	1	88%
Jared Olson	March 24, 2014 – April 1, 2019	8	1	88%
Pedro Vargas*	July 21, 2015 – April 1, 2020	2	2	50%

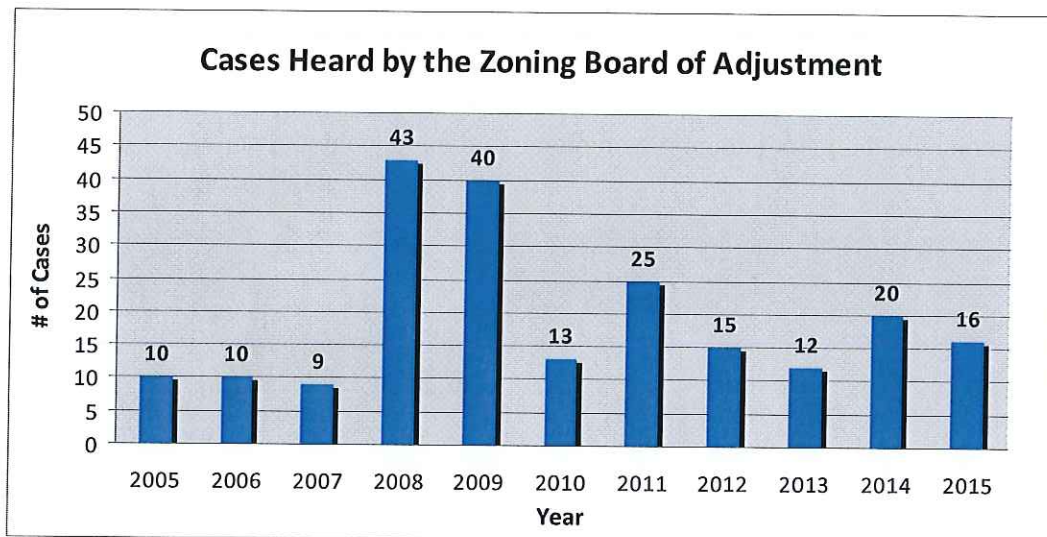
**\*Indicates partial year of service.**



## SUMMARY OF ACTIVITIES

The Zoning Board of Adjustment consists of five members appointed by the Mayor to staggered five-year terms. The Board has the power to hear and decide appeals where there is alleged to be an error in any order, requirement, decision or determination made by an administrative official in the enforcement of Title 15 of the Municipal Code (Zoning Ordinance). Persons may apply to the Board in an effort to seek relief from any requirement of the Zoning Ordinance as set forth by State law. Appeals to the Board may be taken by any person or organization that believes that they have been aggrieved by an officer, department, or board of the municipality. The Board also hears and decides requests for conditional use permits.

The chart below represents the total of number of cases heard by the Zoning Board of Adjustment beginning in 2005 through 2015. In 2015, the Board heard a total of 16 cases at nine regularly scheduled meetings.



*Source: Community Development Department*

### **Variances:**

Six cases requesting variances were considered by the Zoning Board of Adjustment in 2015. The Board concurred with the staff recommendation on 2 of the cases and agreed in part on one of the cases.

### **Conditional Use Permits:**

Four requests for conditional use permits and/or amendments to existing conditional use permits were considered by the Zoning Board of Adjustment in 2015. The Board concurred with the staff recommendation on all of the request by approving three and denying one.

### **Conditional Use Permit Revocations**

The Zoning Board of Adjustment also revoked conditional use permits previously approved for 5 properties, all of which had been requested by the Community Development Department

### **Administrative Appeal:**

One administrative appeal was considered by the Zoning Board of Adjustment in 2015. The Board overturned the staff's decision and granted the request.

## SUMMARY OF ACTIVITIES

## Variances - 2015

Case #	Request	Recommended Action	ZBA Decision
		CD Staff	
BA-15-001	<b>Applicant:</b> Katherine C. Bebout <b>Location:</b> 2605 Pavich Drive <b>Request:</b> A 148 square foot lot coverage variance	Denial	Denial
BA-15-002	<b>Applicant:</b> SCG, LLC <b>Location:</b> 2614 Railroad Highway <b>Request:</b> A two-foot fence height variance to allow a 6-foot tall fence in the front and street side yard and a variance to allow vinyl fence inserts	Denial of both	Approval in part and denial in part
BA-15-003	<b>Applicant:</b> Gary Sindelar <b>Location:</b> 705 Franklin Avenue <b>Request:</b> Variances to allow accessory structure in front of principal structure	Approval	Approval
BA-15-004	<b>Applicant:</b> Arby's/Panda Inc. <b>Location:</b> 3313 West Broadway <b>Request:</b> Variance to allow a zero setback for paving and drive aisle along the south property line	Approval	Approval
BA-15-005	<b>Applicant:</b> Robert D. Caskey <b>Location:</b> 438 Lincoln Avenue <b>Request:</b> Variance to allow off-street parking in required front yard	Denial	Approval
BA-15-006	<b>Applicant:</b> Rosalio Santacruz Heznandez <b>Location:</b> 1837 – 7 <sup>th</sup> Avenue <b>Request:</b> A front yard setback variance and lot coverage variance	Denial	Approval

## SUMMARY OF ACTIVITIES

## Conditional Use Permit - 2015

Case #	Request	Recommended Action	Zoning Board Action
		CD Staff	
CU-15-001	<p><b>Applicant:</b> FRHP Lincolnshire, LLC</p> <p><b>Location:</b> Southwest corner of 28<sup>th</sup> Avenue and South 19<sup>th</sup> Street</p> <p><b>Request:</b> Conditional use permit to allow 'automobile sales and rental' in a C-2 District</p>	Approval, with conditions	Approval, with conditions
CU-15-002	<p><b>Applicant:</b> Kevin M. Woodard, d/b/a Lakewood Residential Management</p> <p><b>Location:</b> Southeast corner of North 16<sup>th</sup> Street and Avenue F</p> <p><b>Request:</b> Conditional use to allow commercial storage in a C-2 District</p>	Approval, with conditions	Approval, with conditions.
CU-93-001(M)	<p><b>Applicant:</b> Lori Jane Reimer</p> <p><b>Location:</b> 1109 North 15<sup>th</sup> Street</p> <p><b>Request:</b> Modify existing conditional use permit to allow repair/refurbishing of wooden pallets</p>	Denial	Denial
CU-15-003	<p><b>Applicant:</b> Tina Christensen</p> <p><b>Location:</b> 202 Happy Hollow Circle</p> <p><b>Request:</b> Conditional use permit to allow a day care facility in an R-1 District</p>	Approval, with conditions	Approval, with conditions



## SUMMARY OF ACTIVITIES

## Appeals - 2015

Case #	Request	Recommended Action	Zoning Board Action
		CD Staff	
AP-15-001	<p><b>Applicant:</b> William Kabourek</p> <p><b>Location:</b> East of 46 Pickard Lane</p> <p><b>Request:</b> Appeal administrative decision to not allow an accessory use (detached garage) without a principal use (residential dwelling) on a vacant lot in an R-3/Low Density Multi-Family Residential District</p>	Uphold decision	Overturned decision

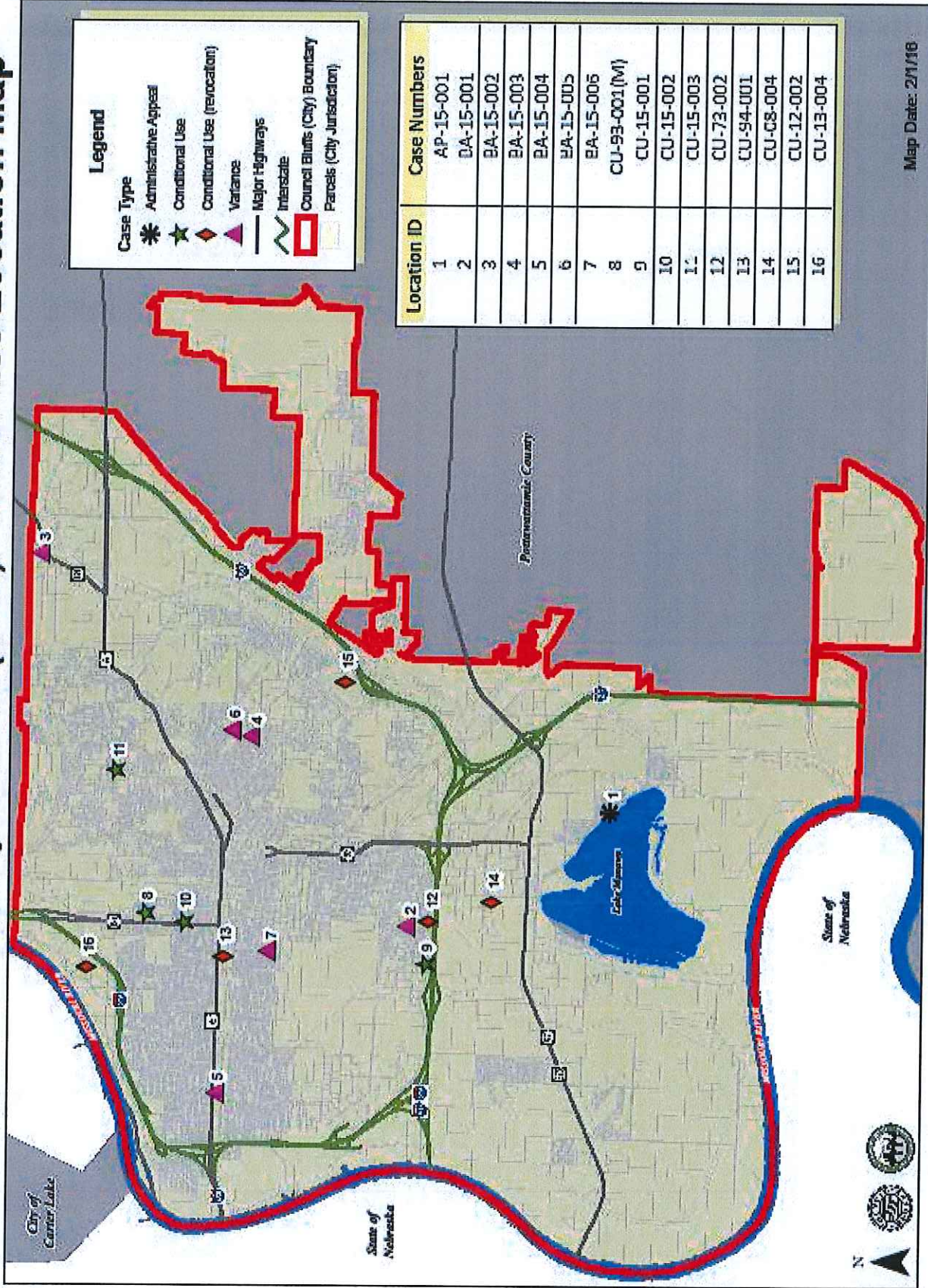


## SUMMARY OF ACTIVITIES

## Conditional Use Permit Revocations - 2015

Case #	Request	Recommended Action	Zoning Board Action
		CD Staff	
CU-73-002	<b>Location:</b> 2821 South 15 <sup>th</sup> Street  <b>Conditional Use:</b> City dog pound in an R-2 district, approved on May 24, 1973	Revoke	Revoke
CU-94-001	<b>Location:</b> 15 1/2 South 20 <sup>th</sup> Street  <b>Conditional Use:</b> A motor vehicle parts and components recycling facility in WM/Wholesale Manufacturing District, approved on February 16, 1994	Revoke	Revoke
CU-08-004	<b>Location:</b> 1112 – 35 <sup>th</sup> Avenue  <b>Conditional Use:</b> Indoor commercial recreation in an I-2/General Industrial District, approved on June 17, 2008	Revoke	Revoke
CU-12-002	<b>Location:</b> Old Navy site, Mall of the Bluffs  <b>Conditional Use:</b> Indoor auction in a PC/Planned Commercial District, approved on April 18, 2012	Revoke	Revoke
CU-13-004	<b>Location:</b> 2445 North 25 <sup>th</sup> Street  <b>Conditional Use:</b> Salvage operation in an I-2/General Industrial District, approved on October 8, 2013	Revoke	Revoke

# Zoning Board of Adjustment (ZBA) - 2015 Case Location Map



Map Date: 2/1/16